

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

PERRY MACKALL,

Plaintiff,

v.

Case Number 05-CV-10103
Honorable David M. Lawson

R. SMITH, *et al.*,

Defendants.

_____/

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

On August 17, 2005, the Court adopted the magistrate judge's report and recommendation that the plaintiff's complaint be dismissed for failure to state a claim upon which relief may be granted. The plaintiff had filed no objections to the magistrate judge's report, and the Court agreed with the findings and conclusions of the magistrate judge. On August 31, 2005, the plaintiff filed a motion for reconsideration, stating he did not file objections due to limited access to the law library. The Local Rules of this Court permit a party to file a motion for reconsideration of a ruling within ten days after its entry by the Court. Such a motion will be granted only if the movant identifies a "palpable defect" in this court's disposition of the case. E.D. Mich. LR 7.1(g)(3). A "palpable defect" is a one that is obvious, clear, unmistakable, manifest, or plain. *Fleck v. Titan Tire Corp.*, 177 F. Supp. 2d 605, 624 (E.D. Mich. 2001). Here, the Court will deny the motion because the plaintiff has not shown a palpable defect in the Court's order.

Accordingly, it is **ORDERED** that the plaintiff's motion for reconsideration [dkt # 12] is **DENIED**.

s/David M. Lawson

DAVID M. LAWSON
United States District Judge

Dated: October 6, 2005

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 6, 2005.

s/Tracy A. Jacobs
TRACY A. JACOBS